REMARKS

This amendment is responsive to the Office Action of September 10, 2008. Reconsideration and allowance of claims 2-4, 6, 7, 9, and 16-23 are requested.

The Office Action

Claims 2, 4, and 22 stand rejected under 35 U.S.C. § 112, first paragraph.

Claims 2 and 22 stand rejected under 35 U.S.C. § 102 as being unpatentable over Hochstedler (US 6,707,476).

Claim 3 stands rejected under 35 U.S.C. § 102 as being anticipated by McComb (US 6,111,573).

Claims 4, 6, and 16-18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hochstedler in view of McComb.

Claims 7, 9, 12, and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over McComb in view of Hochstedler.

Claim 19 stands rejected under 35 U.S.C. § 103 as being unpatentable over McComb in view of Hochstedler further yet in view of Ellis (US2003/0210281).

Claims 20 and 21 do not stand rejected on prior art and are understood to contain allowable subject matter.

Claim 23 stands rejected under 35 U.S.C. § 103 as being unpatentable over Hochstedler.

The Present Amendment Should Be Entered

The present amendment should be entered as simplifying the issues on appeal. The present amendment raises no issues that would require further search or consideration.

The present amendment places claim 20 in independent form including all of the subject matter of its parent claim 12. Because a dependent claim is read as including all of the subject matter of its parent claim, placing a dependent claim in independent form does not raise issues which would require further search or consideration.

The present amendment simplifies the issues on appeal by cancelling rejected claims 12 and 15 and placing allowable claim 20 in independent form.

It is submitted that the Applicant is entitled to entry of this amendment, regardless whether the Examiner maintains any or all of the current rejections.

An early indication of the entry of this amendment for purposes of appeal is requested.

35 U.S.C. § 112

Claims 2 finds antecedent basis in the specification at least at page 2, lines 25-35. The objects can be automatically changed between a minimum size and a predetermined maximum size in accordance with a rule. As the Examiner notes, the objects have a hierarchy. When one object is enlarged, less important objects are suppressed. Conversely, as set forth in claim 2, objects are substituted or enlarged starting with a highest hierarchical level. That is, lowest hierarchical level objects are suppressed when higher hierarchical level objects are substituted.

Claim 4 finds antecedent basis on page 8, line 34 - page 9, line 6. In this embodiment, the objects correspond to a plurality of patients, i.e., each object contains patient monitoring information from a corresponding patient. The patient monitors find antecedent basis in the medical measuring devices referenced on page 5, lines 5-8 which generate or form the information contained by the objects.

In claim 22, inputting data from a plurality of patient monitoring devices finds antecedent basis at page 5, lines 5-7 which indicates that medical measuring or monitoring devices generate the information contained in the objects. Medical monitoring or measuring devices do not typically generate text or waveform data such as shown in the images. Rather, it is understood that the data in the form which it is received from the medical measuring devices needs to be converted in some way into the objects displayed on the display screen and as displayed in the figures. That each of the objects contains patient monitoring information is supported by page 6, lines 10-22 which set forth a variety of examples of patient data which is converted into the patient information displayed on the user interface 10. That is, the monitoring or measuring devices generate patient data which is converted into the displayed patient information which is contained in one of the objects.

Accordingly, it is submitted that claims 2, 4, and 22 comply fully with the requirements of 35 U.S.C. § 112, first paragraph.

The Claims Are Not Anticipated By And Distinguish Patentably Over The References Of Record

First, the applicant directs the Examiner's attention to the reasons set forth in the amendment of May 23, 2008.

Claim 3 is directed to a method of optimizing a presentation on a display screen of objects which can be freely positioned and scaled between a minimum readable size and a maximum size. Moreover, claim 3 requires that this be done in a manner that optimum filling of the available display screen surface is achieved while suppressing less important details of the object contents. By contrast, col. 11, lines 55-65 referenced by the Examiner relate to sizing the box or button when filling the button with text. The "object" discussed in this section of McComb relates to the information which is placed within the window area (col. 10, lines 6-23). Thus, McComb relates to optimum filling of a window; whereas, claim 3 is directed to optimum filling of the available display screen surface.

Claim 4 is directed to the embodiment in which one display screen displays information about a plurality of patients. Such a display screen might be found in a nurses' station in which the monitor outputs of all patents in the ward are displayed on a common screen. The window containing medical information of a patient of interest, such as one selected by the nurse, is enlarged. This results in a resizing of all of the windows for all of the other patients such that the one window can be enlarged without overlapping other patient windows. Rather than user selection, the enlarged window(s) or object(s) can be automatically selected, e.g., based on a patient whose vital signs are out of a preselected acceptable window.

More specifically, claim 4 calls for the objects corresponding to the first and second patients to be changed independent on object contents between a minimum and a maximum size. This change in size of the objects is achieved in such a manner that optimum filling of the display screen surface is achieved and mutual overlapping of the objects is avoided.

By contrast, each display screen 35 of Hochstedler corresponds to a single patient. Hochstedler does not display on a single screen objects corresponding

to more than one patient, much less resize the object of one of the patients relative to the other.

McCombs fails to address the relative placement and sizing of objects corresponding to different patients in such a manner. Accordingly, it is submitted that claim 4 and claim 6 and 16-18 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 7 calls for optimum filling of an available display screen surface. By distinction, McComb addresses optimum filling of a window, which window as illustrated in McComb only occupies a portion of the display screen surface. Claim 7 further calls for avoiding mutual overlapping of the objects. When Hochstedler looks to increase the size of the auto switch waveform window layout object, it overlays other boxes or objects on the display, note Figure 10. Neither McComb nor Hochstedler recognize the importance of maintaining all of the objects on the display screen on a non-overlapping format while optimizing filling of the available display screen space. Accordingly, it is submitted that claim 7 and claims 9 and 19 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 20 which does not stand rejected on prior art and which is understood to contain allowable subject matter has been placed in independent form. Accordingly, it is submitted that claim 20 and claim 21 dependent therefrom are now in condition for allowance.

Claim 22 calls for responding to one of the objects ceasing to contain irrelevant information by automatically, without user intervention, substituting another object and repositioning and rescaling the displayed objects. Column 5 referenced by the Examiner does address manually adding new objects. However, the user must define a list of possible layouts (col. 5, lines 51 and 52). The layout group must be predefined in the system. As explained in the last portion of col. 5, Hochstedler switches among predefined layouts.

Column 4, lines 45-49 permit editing of a layout group. However, in such editing, the details can be changed but the layout group type cannot be changed. Similarly, as set forth at col. 4, lines 4-12, each layout has a fixed arrangement of boxes or windows. The content within those windows can be changed. Thus, the referenced sections of Hochstedler address adding another monitor and adding its

output to an existing window of the layout, but does not disclose or fairly suggest substituting another object and repositioning and rescaling the displayed objects using the calculation rule which calculation rule is used in such a manner that the objects are automatically changeable and dependent on object content, selected settings, and available display resources on the display screen while avoiding overlapping objects.

Accordingly, it is submitted that claim 22 and claims 2 and 23 dependent therefrom are not anticipated by Hochstedler.

Claim 23 focuses on an embodiment in which each box or object of the display screen enlarges when a cursor touches it or passes over it. However, this enlarging of one box is done by resizing all of the other boxes to avoid overlapping. Hochstedler makes no suggestion of such a temporary enlargement without overlapping in response to being touched by a cursor.
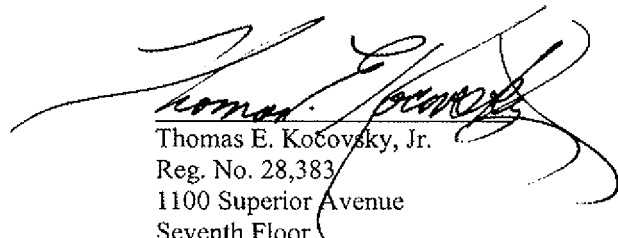
CONCLUSION

For the reasons set forth above, it is submitted that claims 2-4, 6, 7, 9, and 16-23 comply with the statutory requirements, are not anticipated by, and distinguish patentably over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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